

REMARKS

Claims 1-9, as-amended, and new claim 13 appear in this application for the Examiner's review and consideration. Claims 10-12 have been canceled from consideration with the present application without prejudice to pursue the subject matter covered by those claims in one or more continuation or divisional applications. Claims 1-9 have been amended and claim 13 has been added to correct informalities and to more clearly define the scope of coverage sought by the present application. All of the amended claims and the new claim are supported by the specification and claims as originally filed. As these amendments do not introduce any new matter, their entry at this time is warranted, and applicants respectfully request examination of all pending claims on the merits.

The disclosure was objected to for certain informalities as indicated on page 2 of the Office Action. The disclosure has been amended to correct these informalities. Therefore, applicants respectfully assert that this objection has been overcome.

Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the reasons given on pages 2-3 of the Office Action. The claims have been amended to correct these informalities. Therefore, applicants assert that this rejection has been overcome and should be withdrawn.

Claims 1-12 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. patent no. 5,560,147 to Ashida et. al. ("Ashida") for the reasons stated on page 3 of the Office Action. It was asserted that Ashida discloses an adjustable facade shell having an inner shell, and outer shell, an adjustment device which pivotally moves panels between an open and closed position, and carrier supports. Applicant respectfully disagrees with this rejection for the reasons that follow.

Ashida is directed to a movable louver window having a frame body and a plurality of double-vane assemblies. The frame body is formed with an upper frame member 1, a lower frame member 2, and left and right vertical frame members 3,3. The window includes a double-vane louver assembly 30.

By contrast, as currently recited, claim 1 of the present invention is directed to an adjustable facade shell (Figs. at 1) for a building having an outer shell (Figs. at 1b) containing panels (Figs. at 2) which are pivotally moveable between a closed position and an open position. The facade shell includes an inner shell (Figs. at 1a), spaced from the outer shell

and containing one or more plates (Figs. at 1c and 72). A carrier frame is attached to the building with an exterior side aligned with an outside edge of an exterior wall of the building. The carrier frame contains vertical and horizontal carrier parts (Figs. at 6a, 6b, 6c and 6d) connected to and supporting the plates of the inner shell. Pivot devices (Figs. at 4) are connected to the carrier frame and the panels of the outer shell and capable of moving the panels between the open and closed positions.

As currently recited in claim 13, at least one of the plates of the inner shell comprises a window pane. There is not teaching or suggestion in Ashida of the adjustable facade shell of the present invention having an outer shell spaced from an inner shell that contains one or more plates as in the present invention. In fact, Ashida does not teach the use of inner and outer shells, in particular inner shells containing one or more plates, such as window panes.

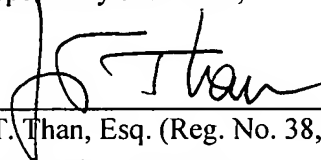
Claims 2-9 depend either directly or indirectly from claim 1 and contain recitations that further define the present invention. Therefore, Ashida fails to disclose all of features of the present invention as currently recited in the claims, and the rejection should be withdrawn.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. No fees are believed due for the submission of this amendment since the total number of claims as-amended is less than 20 and the total number of independent claims is less than 3. Should any fees in fact be due, please charge such fees to deposit account no. 50-1980. A petition for a two-month extension of time for submitting the present amendment is being submitted herewith and includes provisions for payment of the prescribed fee.

Date

Feb 25, 2004

Respectfully submitted,



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